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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

BITCO GENERAL INSURANCE)	
CORPORATION,)	Cause No. CV-18-00087-BMM-JTJ
)	
Plaintiff,)	THE HON. BRIAN MORRIS
)	
-vs.-)	BITCO GENERAL INSURANCE
)	CORPORATION'S CROSS-
J. BURNS BROWN OPERATING)	MOTION FOR SUMMARY
CO.,)	JUDGMENT
)	
Defendant.)	
)	
)	

Plaintiff BITCO General Insurance Corporation (“BITCO General”), pursuant the Court’s Order dated April 29, 2019 (Doc. No. 41), Federal Rule 56, and Local Rule 56.1(c), respectfully moves the Court for Summary Judgment against Defendant J. Burns Brown Operating Co. (“JBBOC”). BITCO General has filed a brief in support of this cross-motion for summary judgment contemporaneously herewith. As set forth in that brief, the BITCO General Umbrella Policy at issue and the parties’ Statement of Stipulated Facts (Doc. No. 38) demonstrate that there is no genuine dispute as to any material fact, and that BITCO General is entitled to a judgment that BITCO General has no duty to defend or indemnify JBBOC in connection with the Notice of Violation or any action by the Montana Department of Environmental Quality (“DEQ”) in connection with the pollution event described therein.

In the alternative, BITCO General respectfully requests that the Court grant its Cross-Motion for Summary Judgment and enter an order finding and declaring that BITCO General has no obligation to further defend or indemnify JBBOC in connection with the Notice of Violation or any action by the DEQ in connection with the pollution event described therein until JBBOC has paid the \$900,000 difference between the \$100,000 sublimit provided under the Primary Policy’s

Contamination or Pollution Coverage and the \$1 million per-occurrence limit of liability.

DATED this 12th day of July, 2019.

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CERTIFICATE OF SERVICE

I, the undersigned, a representative of the law firm of Bohyer, Erickson, Beaudette & Tranel, P.C., hereby certify that I served a true and complete copy of the foregoing on the following persons by way of the CM/ECF filing system

1. Clerk, U.S. District Court
2. James G. Hunt
HUNT LAW FIRM
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3. Gregory S. Munro
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Attorneys for Defendant J. Burns Brown Operating Co.

DATED this 12th day of July, 2019.

/s/ Jesse Beaudette
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